THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 19116 of 2005

Date 01.02.2005

Between:

P.Venkatanarayana & others.

..... PETITIONERS

AND

The Government of Andhra Pradesh, Department of Agriculture & Cooperation, represented by its Principal Secretary, Secretariat Buildings, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION No. 19116 OF 2005

Heard the learned counsel for the petitioners and the learned Government Pleader for Cooperation.

The third respondent-District Collector issued notification dated 21.06.2005 under Section 15-A(1)(e) of the A.P. Cooperative Societies Act proposing to merge Peddakowkuntla PACS into Uravakonda PACS and called for objections from the society and its members. Thereafter, the person-in-charge of the Peddakowkuntla PACS issued notice dated 22.06.2005 convening General Body Meeting on 02.07.2005. The Collector passed the final order on 25.07.2005 ordering for the merger of Peddakowkuntla PACS with Amidyala PACS. Questioning the same, the present writ petition is filed.

The only grievance of the petitioners is that the Collector through notification dated 21.06.2005, proposed to merge Peddakowkuntla Society into Uravakonda Society, but, without assigning any reasons passed the final orders on 25.07.2005, ordering to merge Peddakowkuntla Society with Amidyala Society, which is identified as non-viable society. Therefore, he prays to set aside the same.

Learned Government Pleader for Cooperation contended that there are reasons for merger of Peddakowkuntla Society with Amidyala Society, and, therefore, the order under challenge does not suffer from any infirmities.

As rightly contended by the learned counsel for the petitioner, the proposal for amalgamation of Peddakowkuntla Society with Amidyala Society is not possible

without assigning any reasons by the Collector. A perusal of the impugned order would go to show that the Collector has not stated any reasons as to why Peddakowkuntla Society has to be amalgamated with Amidyala Society. Therefore, the final order passed by the Collector ordering merger of Peddakowkuntla Society with Amidyala Society is only liable to be set aside.

Accordingly, the writ petition is allowed setting aside the merger of Peddakowkuntla Society with Amidyala Society only with a direction to the Collector to pass appropriate orders in pursuance of the proceedings dated 25.07.2005 after affording reasonable opportunity to the members of the Society and consider the objections, if any, raised by them. No order as to costs.

_____

01.09.2005

usd